THE HON'BLE SRI JUSTICE C.V. RAMULU

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W.P.No.4803 of 1998

Dated: 25-07-2005

Between:

Mulkanoor Cooperative Rural Bank Limited,

Mulkanoor, Bheemadevarapally Mandal,

Karimnagar District. Petitioner…

And

The Hon'ble Industrial Tribunal-cum-Labour Court,

Godavarikhani and another.

Respondents…

ORDER:

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This writ petition is filed by the Management, Mulkanoor, Co-operative Rural Bank Limited, Mulknoor, Karimnagar District, being aggrieved by the award passed by the Chairman, Industrial, Tribunal-cum-Labour Court, (for short 'the Tribunal') Godavarikhani in I.D.No.6 of 1995 dated 08-12-1997.

There is no necessity to go into all the details. It is suffice to notice that the 2nd respondent herein being aggrieved by removal from service, filed a petition under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') before the 1st respondent-Labour Court. The same was taken on file as I.D.No.6 of 1995. Before the Labour Court, though no oral evidence was adduced on either side, the documentary evidence adduced by the Management under Ex.M-1 to M-22 were marked and after elaborate consideration of the material available on record, the Labour Court came to the conclusion that the charges 1, 3, 4, 5 and 6 were proved, and there was no sufficient material to prove the charge No.2. Having found as such, examined as to the proportionality of the punishment and came to the conclusion that for the lapses for which the petitioner was removed from the service related in 1986, 1987, 1989, 1991 and action was sought to be initiated during 1992, and that apart all the amounts related to charges were remitted by the 2nd respondent and there is a long gap in conducting enquiry, the Labour Court held that the 2nd respondent is entitled for reinstatement without continuity of service and backwages.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and also perused the award passed by the Labour Court and other material available on record.

I am of the opinion that the Labour Court has not committed any error, calling interference of this Court under Article 226 of the Constitution of India. The only relief granted by the Labour Court was reinstatement of the 2nd respondent as an Attender without backwages and without continuity of service with a further direction that the 2nd respondent shall not be entrusted with the duties of a Godown Keeper at any time in future. The Labour Court, in overall circumstances of the case, ordered appointing the 2nd respondent as an Attender without any backwages and without any attendant benefits. There are no warranting circumstances pointed out by the petitioner to interfere into such an award passed by the Labour Court. The writ petition is devoid of any merit and liable to be dismissed and accordingly dismissed. No order as to costs.

C.V. RAMULU, J

Dated: 25-07-2005

LSK